

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**10/549330**

In re application of

**Gary N. Mills, Philip D. Benz,  
and Herbert J. Semler**

Confirmation No.

Application No.

Filed:

For: **METHODS OF AND APPARATUS  
FOR DETERMINING FLUID  
VOLUME PRESENCE IN  
MAMMALIAN TISSUE**

Group Art Unit:

Examiner:

Date: September 12, 2005

**INFORMATION DISCLOSURE STATEMENT**

TO THE COMMISSIONER FOR PATENTS:

1. Pursuant to their duty of disclosure, applicants present for the Examiner's consideration documents listed on the accompanying Form PTO-1449 (or equivalent).

Copies of listed U.S. patents and U.S. patent application publications are not required for submission. (37 C.F.R. § 1.98(a)(2)(ii))

Copies of listed foreign patent documents and/or non-patent literature are enclosed. (37 C.F.R. § 1.98(a)(2))

Copies of the documents listed at (sheet/cite no.) \_\_\_\_\_ of the attached Form PTO-1449 (or equivalent) are omitted because (1) they are already of record in U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, on which this application relies for an earlier filing date under 35 U.S.C. § 120; and (2) any information disclosure statement filed in the prosecution of Application No. \_\_\_\_\_, complies with 37 CFR §§ 1.98(a) through (c). (37 C.F.R. § 1.98(d))

A copy of copending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, for \_\_\_\_\_, listed at (sheet/cite no.) \_\_\_\_\_ of the attached Form PTO-1449 (or equivalent),  is enclosed /  is omitted. (Copy not required if available via IFW. 1287 OG 163 (Oct. 19, 2004).)

2. This information disclosure statement is being submitted (check box a., b., or c.):

a.  Within three months of the filing date of a national application or entry of the national stage in an international application; or before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued

examination under 37 CFR 1.114. (No statement under 37 CFR 1.97(e) is required.); or

- b.  After the period set forth in paragraph 2a, but before the mailing date of either a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. (Check box i. or ii.)
  - i.  A \$180.00 information disclosure statement submission fee set forth in 37 CFR 1.17(p) is enclosed, or
  - ii.  A statement specified by 37 CFR 1.97(e) is set forth below; or
- c.  After the mailing date of a final action or notice of allowance and on or before payment of the issue fee. A statement specified by 37 CFR 1.97(e) is set forth below. Enclosed is a \$180.00 information disclosure statement processing fee set forth in 37 CFR 1.17(p).

3. If a statement specified by 37 CFR 1.97(e) is required, the attorney or agent signing below hereby states that:

- each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

4.  A concise explanation of the relevance of each document not in the English language and/or selected documents in the English language is set forth below.

Respectfully submitted,

**Gary N. Mills, Philip D. Benz,  
and Herbert J. Semler**

By   
Paul S. Angello  
Registration No. 30,991

STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204-1268  
Telephone: (503) 224-3380  
Facsimile: (503) 220-2480  
Attorney Docket No. 31030/3:2

FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE CITATION  
(Uses several sheets if necessary)ATTY. DOCKET NO.  
31030/3:2

APPLICATION NO.

10/549330

APPLICANTS: Gary N. Mills, Philip D. Benz, and  
Herbert J. Semler

FILING DATE

GROUP

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6	4	7	3	6	4	0		10/29/02	Erlebacher	600	547	
	AB	6	4	2	1	5	5	9		07/16/02	Pearlman	600	547	
	AC	6	1	2	2	5	4	4		09/19/00	Organ	600	547	
	AD	6	0	5	5	4	5	2		04/25/00	Pearlman	600	547	
	AE	6	0	1	0	4	5	4		01/04/00	Arieff et al.	600	309	
	AF	5	7	8	8	6	4	3		08/04/98	Feldman	600	506	
	AG	5	7	4	6	2	1	4		05/05/98	Brown et al.	128	693	
	AH	5	5	8	4	2	9	8		12/17/96	Kabal	128	672	
	AI	5	5	5	1	4	3	5		09/03/96	Sramek	128	668	
	AJ	5	5	2	9	0	7	2		06/25/96	Sramek	128	693	
	AK	5	5	0	3	1	5	7		04/02/96	Sramek	128	693	
	AL	5	2	8	0	4	2	9		01/18/94	Withers	364	413.15	
	AM	5	2	3	1	9	9	0		08/03/93	Gauglitz	128	697	
	AN	5	0	8	6	7	8	1		02/11/92	Bookspan	128	734	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
														YES	NO	
	AO															
	AP															

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	
	AS	
	AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.